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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/223,016	12/30/1998	SCOTT L. MINNEMAN	100126	2341

7590 12/18/2002

OLIFF & BERRIDGE  
P O BOX 19928  
ALEXANDRIA, VA 22320

EXAMINER
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CHIEU, PO LIN

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 12/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/223,016

Applicant(s)

MINNEMAN ET AL.

Examiner

Polin Chieu

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4,6-13 and 15-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-13 and 15-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1-2, 4, 6, 8-11, 13, 15, and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cruz et al (5,613,032) in view of Russo et al (5,701,383).

Regarding claim 1-2 and 10-11, Cruz et al discloses an object description file (fig. 3B) that stores at least one index; a user input device (450) that selects at least one item of the at least one index (fig. 2); a association device (300) that associates the selected at least one item with the recording of an activity (fig. 2); further comprising a recording system that records the activity (390). Additionally, Cruz et al disclose that an index is selected based on a user input (col. 7, lines 49-60), shown in figure 7B. However, Cruz et al does not disclose a playback system for replaying an indexed recording that allows simultaneous recording of an activity while replaying an indexed recording.

Russo et al teaches a playback system that allows replaying of an indexed recording while simultaneously recording an activity (col. 4, lines 1-43). Russo et al teaches that the device is able to continuously record incoming video while "time-shifting" video. For example, a user is able to view five minutes back into recorded

video while the video signal is still being recorded (VCRs would require the user to wait until recording is complete to view previously recorded video data).

It would have been highly desirable to allow playback of an index while simultaneously recording an activity so that the user does not have to wait until recording is complete to view the recorded data.

Therefore, it would have been highly desirable to allow playback of an index while recording in the device of Cruz et al.

Regarding claims 4, 6, 13 and 15, Cruz et al discloses a audio/video storage device that stores recorded activity (fig. 3B); a playback system for replaying a indexed recording, wherein the playback system can replay a portion of the indexed recording in response to selecting an item from the index (fig. 7B).

Regarding claims 8-9 and 17-18, Cruz et al discloses displaying at least one of the at least one index, the at least one item and the recording (fig. 7B); and wherein the association device temporally associates the recording of an activity with the selected at least one item.

Regarding claims 19-21, Cruz et al discloses recording audio, video, and multimedia (col. 5, lines 25-35).

3. Claims 3, 7, 12, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cruz et al in view of Russo et al and Mincy et al (6,052,508).

Regarding claims 3, 7, 12, and 16, Cruz et al does not disclose an editing system that allows a recorded activity to be inserted into a current recording.

Mincy et al teaches an editing system that allows a recorded activity to be inserted into a current recording (col. 22, lines 50-59).

It would have been highly desirable to have an editing device allowing insertion of a previous recording into a current recording so that a desired video output can be produced.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have an editing system that allows a previous recording to be inserted into a current recording in the device of Cruz et al.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Logan et al also discloses allowing playback while recording.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Polin Chieu whose telephone number is (703) 308-6070. The examiner can normally be reached on M-F 8:30 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B. Christensen can be reached on (703) 308-9644. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

PC  
December 7, 2002



ANDREW CHRISTENSEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600